

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

James Dale

v.

Case No. 16-cv-292-SM

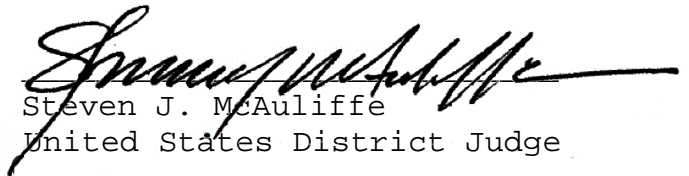
Northern NH Correctional Facility,
Warden

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated March 29, 2017, for the reasons set forth therein. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

Respondent's Motion to Dismiss (document no. 10) is granted, in part, to the extent it seeks dismissal of Claim 2; otherwise, the motion is denied.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

Date: April 19, 2017

cc: James Dale, pro se
Elizabeth C. Woodcock, Esq.